COURT NO.2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No.2403 (S/S) of 2001

(Old Case NO. 19099 of 2000)

Rajaswa Sangrah Ameen/Chaprasi Sangh, Janpat Rudra Prayag, Garhwal through its President Shri Narendra Singh Bist resident of Tehsil Ukhimath, District Rudrapur.

.....Petitioner

Versus

1. State of U.P. through Secretary Revenue, Secretariat at Lucknow.
2. Board of Revenue, through its Chairman at Lucknow.
3. Commissioner, Garhwal Division at Pauri.
4. District Magistrate/Collector, District Rudrapur.

..... Respondents

Sri Vipul Sharma, learned counsel for the petitioner.
Learned Standing Counsel for the State.

Dated: 12.12.2007

Hon'ble P.C. Verma, J.

This wit petition has been filed by the petitioner for the following reliefs:-

> "a) to issue a writ, order or direction in the Nature of mandamus commanding the respondents, the respondent nos 1 & 2 in particular, to create sufficient posts of Collection Amins and Collection Peons in the District of Rudra Prayag and to adjust the members of the petitioner Association on the said posts and to appoint as seasonal collection Amins and seasonal collection Peons, who are the members of the petitioner association on the said posts or in the alternative to issue a writ, order or direction in the nature of mandamus commanding the respondent nos.2 & 3 to appoint/adjust the present petitioners on the existing vacant Class-III an Class-IV posts forthwith.

b) to issue any other writ, order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.

c) to award cost of the writ petition to the petitioners."

2. The relief sought relates to creation of post which falls totally within the domain of the State and is legislative in character. Therefore, no mandamus can be issued for such a prayer. Accordingly, the prayer is refused and the petition is dismissed. No order as to costs.

(P.C. Verma, J.)

12.12.2007
RBS